

REMARKS/ARGUMENTS

Claims 1-7, 10 and 11 remain in this application, claims 8, 9, 12 and 13 have been cancelled. Claims 1 and 10 have been amended herein.

No new matter has been added by the amendments to the claims made herein.

In response to the Office Action of May 19, 2005, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Claim 1 has been amended to specifically recite that the rake tines are fixed with respect to each other. That is, the rake tines do not retract inwardly or expand outwardly as the rake head is moved. Support for these amendments can be found throughout the specification as originally filed, see, for example, page 8, lines 17-24; FIGS. 1-2. See also page 15, lines 10-24, page 16, lines 1-11.

Figures 1 and 2 are perspective views illustrating the rake head in an extended and a retracted position. As evidenced by these figures the rake tines do not retract or collapse inwardly as the rake head is moved between the two positions.

Claim 10 has been amended to depend from claim 1. No new matter was added to this claim.

Rejections under 35 USC 102(b)

Claims 1-7, 10 and 11, as presented, stand rejected under 35 USC 102 (b) as being allegedly anticipated by Bower, (U.S. Patent No. 5,626,009).

The Examiner points to FIGS. 1 of Bower, for the teachings of an elongated handle. The Examiner asserts that Bower teaches a means for cultivating and a means for grooming as claimed (col.1, line 14-47). The Examiner further asserts that the means for grooming is a rake assembly including tines with a base end, a center and a tip end diverging outwardly (Fig. 2, ref 7), and a hook (Fig. 1, ref 7); extended and retracted positions (Fig. 2 and 3); the rake head is slidably mounted capable of being retracted or extended (col. 3, line 3-5).

Applicants respectfully disagree with the Examiner's assertions. First, Applicants assert that the claims, as amended herein, are now limited to a combination weeding and raking tool wherein the rake tines are fixed with respect to each other. Support for this amendment can be found throughout the specification as originally filed, see, for example, page 8, lines 17-24, lines 10-24, page 16, lines 1-11; particularly the perspective views of the device in FIGS. 1-2. Thus, the scope of the claims are limited to a combination weeding and raking tool having an extendable and retractable rake head, wherein the rake

head has tines fixed in place with respect to each other'.

It is well established that in order for a claim to be anticipated each and every element set forth in the claim must be found, either expressly or inherently described in a single prior art reference. See MPEP 2131.

While Bower discloses a combination raking and hoeing device, the device requires a rake head which consists of tines that collapse with respect to each other the rake head is extended and retract as the rake head is retracted (see Figs 1-3 as well as disclosure). While this configuration provides a more compact arrangement for storage purposes it also requires complex assembly and adds significant cost to the device. In contrast the instant invention utilizes a rake head assembly having tines fixed in position with respect to each other. This construction eliminates the costly and complex assembly as disclosed by Bower.

Accordingly, as evidenced by the above discussion, each and every element of the rejected claims, as previously presented, cannot be found either expressly or inherently described in the reference of Bower. Applicants respectfully request that these rejections under 35 USC 102 (b) now be withdrawn.

Objections to the Claims

The Examiner has objected to claims 10 and 11 as depending from cancelled claim 8, claim 10 has been amended to depend from claim 1 and should now be in condition for allowance.



SUMMARY

In light of the foregoing remarks and amendments to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. Should there be any remaining issues which can be resolved via an Examiner's Amendment, the Examiner is urged to call the undersigned in order to expedite the prosecution of this application.

Respectfully submitted,

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